



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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September 18, 2014

Morgantown Beauty College
c/o Bob Lindsey
LAI Architects, Inc.
327 Prickets Fort Road
Fairmont, WV 26554

**RE: V14-39 / Morgantown Beauty College / 276 Walnut Street
Tax Map 29, Parcels 27, 27.1 and 31**

Dear Mr. Lindsey,

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced variance petition for variance relief from Article 1331.06 as it relates to "Overstore Dwelling" uses at 276 Walnut Street.

The decision is as follows:

Board of Zoning Appeals, September 17, 2014:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved six (6) dwelling units to be located at or approximate to the grade level of Walnut Street.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approval is set to expire in twelve (12) months unless you can demonstrate that they have been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board.

Please note that a building permit must be obtained prior to the commencement of work for which variance relief was granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving your plans review and permitting needs.

Respectfully,

A handwritten signature in cursive script, reading 'Stacy Hollar'.

Stacy Hollar
Executive Secretary
Development Services Department

ADDENDUM A – Approved Findings of Fact

V14-39 / Morgantown Beauty College / 276 Walnut Street

Finding of Fact No. 1 – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

The existing exterior conditions are to remain, only the reworking of the flow and order of the existing Beauty College. The proposed design presents little modifications to the public eye yet improves the public entrance and egress into the existing structure in a functional and aesthetic way.

Finding of Fact No. 2 – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

The loft apartments are introduced in an existing building at the same level of the existing street level of the Beauty College but are located completely behind the college providing a street entrance and then extending above the college level.

Finding of Fact No. 3 – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

The undeveloped use of the existing building will allow the proper density needed to support the increasing demands of the Beauty College curriculum.

Finding of Fact No. 4 – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

The new loft apartments are not experienced from the street level and extend above the existing business as intended in the zoning provision for which variance relief is sought. Specifically, the Beauty College will remain as the primary use and interaction with the Walnut Street streetscape and public realm.